

Shop at Sachs'

Our store is the Mecca for economical shoppers; there are money-saving values in every department. Here are some of them.

Specials for Thursday and Friday

VERANDA TABLE COVERS, washable, floral designs, in bright colorings, 36 inches square; regular price 40c—SPECIAL, 25c EACH.

DRESS CREPE: Pink, embroidered with black figures; 35c quality, 20c YARD.

MEN'S INITIAL LINEN HANDKERCHIEFS—A broken lot, but a good many initials to select from; 1-2 dozen in a box; regular price, \$2.00—TO CLOSE OUT, \$1.35 BOX.

FANCY RIBBONS—Roman Stripes and pretty plaids, 60c and 65c quality—SPECIAL, 40c YARD.

MUSLIN UNDERWEAR SETS—3 pcs., Night Gown, Chemise, and Drawers, lace and ribbon trimmed; nicely put up in a box; regular price, \$6.75—SPECIAL \$4.50 SET.

SILK EOLIENNES—For handsome Costumes, in Lavender, Champagne, Pearl Grey, Brown, and Navy; \$1.25 quality—SPECIAL 75c YARD.

N. S. Sachs Dry Goods Co., Ltd.
CORNER FORT AND BERETANIA STREETS.

Poultry for Christmas

Place Your Orders Today

Metropolitan Meat Co., Ltd.
Phone 45

EVENING BULLETIN IS FIRST

IN NEWS SERVICE;
ADVERTISING;
CITY CIRCULATION;
OUTSIDE CIRCULATION;
TOTAL CIRCULATION.

Any Advertiser can save money
By using the Bulletin exclusively.
It covers the field. The rate in
proportion to service is the lowest
in Hawaii.

Court Holds Banks Must Pay \$750 Fee

The Territory again won out in the matter of the license fee for banks in Honolulu in a decision handed down by Chief Justice Hartwell this morning in the First American Savings and Trust Company case. The decision was on exceptions from the Circuit Court, and upholds the decision of Judge De Bolt, that banks must pay their license fee of \$750 in Honolulu. E. W. Sutton represented the Territory and Clemons the banking interests in the case.

The decision is given in full below:

FIRST AMERICAN SAVINGS & TRUST COMPANY OF HAWAII, LTD., v. A. J. CAMPBELL, TREASURER OF THE TERRITORY OF HAWAII.

EXCEPTIONS FROM CIRCUIT COURT, FIRST CIRCUIT.

Submitted Dec. 7, 1908.

Decided Dec. 18, 1908.

HARTWELL, C. J., WILDER, J., AND CIRCUIT JUDGE ROBINSON
IN PLACE OF BALLOU, J.

Banks and banking—license fee.

Act 25, S. L. 1907, requiring a different fee for a banking license in Honolulu, Hilo and elsewhere in the Territory, is valid.

OPINION OF THE COURT BY WILDER, J.

This is an action to recover \$765, the fee with stamps for a banking license in Honolulu, paid by plaintiff to defendant under protest pursuant to Act 25 of the Laws of 1907. The circuit judge, jury waived, found for the defendant. Plaintiff then brought the case to this court on exceptions.

Act 25 of the Laws of 1907, amending R. L. Sec. 1352, relating to fees for banking licenses, reads as follows:

"The annual fee for a banking license for a business in Honolulu shall be seven hundred and fifty dollars, in Hilo, five hundred dollars, and in all other places, two hundred and fifty dollars."

Plaintiff claims that this statute is invalid because contrary to either or both the 5th and 14th amendments of the constitution, its brief being confined to the contention that it discriminates arbitrarily.

The legislature in a matter of this kind may classify or discriminate if the classification or discrimination is based on some reasonable ground, which is furnished by population in some cases. *Territory v. Pottie*, 19 Haw. 99, 104.

The question remains to be considered then whether the legislature may require different license fees from banks operating in Honolulu, Hilo and elsewhere in the Territory. The evidence shows that the population of Honolulu is almost 40,000, of Hilo almost 20,000, and of all other places in the Territory less than that of Hilo.

It was said in *Robertson v. Pratt*, 13 Haw. 590, 600, "Where natural distinctions require discrimination, not to discriminate works injustice." That proposition cannot be disputed.

In the case at bar there is a natural distinction between the different places in this Territory where banking may be carried on. This, of course, allows the legislature to reasonably and fairly classify the amount of the license fee required for banking. Even if the judgment exercised by the legislature in a matter of this kind is in our opinion unwise or perhaps oppressive, still that is not of itself sufficient to declare that a statute passed pursuant to such judgment violates the equal protection provisions of the constitution. *Heath & Milligan Co. v. Worst*, 207 U. S. 338. In order to hold that this statute is unconstitutional on the grounds claimed it must be clearly and actually arbitrary and unreasonable and not merely possibly so. *Bachtel v. Wilson*, 204 U. S. 36. The statute in question, however, does not appear in any way to be oppressive, arbitrary, unequal or ill advised. Our conclusion is that the statute is valid. The following cases are in point: *Ozan Lumber Co. v. Union County Bank*, 207 U. S. 251; *Magoun v. Illinois Trust & Savings Bank*, 170 U. S. 283; *Hayes v. Missouri*, 120 U. S. 68, and *Missouri v. Lewis*, 101 U. S. 22.

If, as contended by plaintiff, the statute were invalid, the question would remain whether plaintiff could recover in this action, for the reason that it would have to pay the same amount of license fee under the old law, which would then still be in force, as it is required to do under the new law. In view of the conclusion we have reached, however, we express no opinion on the point.

Exceptions overruled.

Thompson & Clemons for Plaintiff.

E. W. Sutton, Deputy Attorney General, for defendant.

NAVAL SLIPS ARE FILLING WITH MUD

Within a very short time the Naval authorities here will have to undertake some dredging operations themselves. The slips at the Naval wharves are filling up very rapidly with mud, and it is realized that, unless something is done soon, they will be in such condition that ships of any draught will not be able to enter.

When the Pacific Fleet was here last, some trouble was experienced. Whenever a ship was moved, mud was churned up in chunks and the keels of several of the warships were scoured around the bottom of the slips. Since the departure of the fleet, more mud has been washed in, and the slips are daily growing shallower.

The matter is now being considered at the Naval Station, and it is not unlikely that within a few weeks a dredge will be put to work, cleaning out the slips and making them ready to receive ships of deep draught, should such arrive in the near future.

Hugo Lillenthal creates a white strawberry that bears throughout the year and excels the red berry. Girls of Monticello Club of Stanford form new chapter of Tri Delta sorority.

KAHUKU HEARS MATSON LINER TALKING AT SEA

The Kahuku wireless station last night heard the Matson liner *Hilolani* talking with the oil steamer *Rosecrans*. The *Hilolani* gave her location as 1340 miles out from San Francisco. An effort was made to get into communication with her, but her masts carrying the aerials are short, and she evidently could not hear the signals sent out from Kahuku, though her own messages were heard plainly by the operator at the Point.

It is believed that by tonight the *Hilolani* will have arrived near enough to catch messages from Kahuku. At any rate, the operator will make an endeavor to get into communication with the ship. From the message intercepted it is evident that all is well on board the Matson liner, and that she is making good time.

Student at Berkeley uses electric light bulb as foot-warmer and sets house afire.

Stockton's scheme for deep channel to sea gets rap from Colonel Biddle of War Department, who recommends widening of stream.

Business depression fails to hurt Harriman's Union Pacific profits for year.

TENYO MARU STIRS UP PLENTY OF MUD

The waters of the harbor were churned into a muddy red soup this morning when the Japanese liner *Tenyo Maru* slipped out of her dock and turned around, preparatory to picking her way out through the channel. Every revolution of the great propellers sent up fresh supplies of mud, until there was not a particle of clear water to be seen.

At one or two places the *Tenyo* evidently hit a mud bank, though most of the disturbance was probably caused by the suction from her powerful propellers, according to the old timers who know every inch of bottom in the harbor. The *Tenyo* draws a lot of water, however, and at low tide requires almost as much water as the harbor affords.

GEORGE SEA'S BROTHER WAS GIVEN ALL CARE

Deputy High Sheriff George Sea has received a very friendly letter from Chief of Police F. W. Hofer of Appleton, Wis., giving the details of the death of William Kai, who was George Sea's brother. The letter states that Kai was injured by having his foot crushed between couplings on a train. He was taken to the hospital where every attention and care was given, but, after it was thought that he would recover, hemorrhages set in and he died. Mr. Hofer goes into detail and tells how every care and attention possible was given Kai. He was given an excellent funeral, and before his death many people called to see him and left flowers in the room. George Sea feels much relieved at the above information.

The Inter-Island steamer *Likelike* arrived before daybreak this morning and was at her dock at an early hour. She was expected in yesterday morning, but delay in loading made it impossible for her to run on schedule time. The *Likelike* brought 6000 bags of sugar and thirty head of cattle from the island of Hawaii.

For Sale
Building Site at Puunui, near Country Club. 2 Acres for \$750. Scenery unsurpassed.
P. E. R. Strauch
WAITY BLDG. 74 S. KING ST.

1/4 SIZES ONLY IN REGAL SHOES

FOR MEN AND WOMEN



—The ordinary range of sizes

—The REGAL range of sizes

\$3.50

SPECIALS \$4 AND \$5.

REGAL QUARTER-SIZES mean absolute precision of fit, genuine shoe-comfort and permanent retention of the original shape. Why should you wear shoes that are a little too tight or a little too loose, when you can get your EXACT fit in REGAL Quarter-Sizes? In REGALS you can get the one-quarter and three-quarter size: IN BETWEEN the ordinary whole and half-sizes. This gives you TWICE as many fittings as you can obtain in any other shoes made. Because, except in REGALS, you are limited to full and half-sizes.

243 new REGAL models this winter. Every one is perfect in style, with all this season's fashion-features of shape, leather, and finish as found in the highest-price custom-made footwear.

Nowhere else in the world can you obtain equal shoe-value at anywhere near REGAL prices.

NEW FALL AND WINTER STYLE BOOK SENT FREE ON REQUEST.

MAIL ORDERS PROMPTLY FILLED.



One of the new Regal Models correct for this season. Regals are made in all leathers.

REGAL SHOE STORE

McCandless Building : : : Corner of King and Bethel Streets

Cluett TOWN AND COUNTRY SHIRTS

FIND the pattern you like in a Cluett Shirt and you have found the shirt you will like.

\$1.50 and more.

CLUETT, FENNER & CO., Troy, N. Y.
Makers of Arrow Collars

Toilet Requisites

Inexpensive and therefore proper as gifts to lady friends.

TOILET WATERS, FINE SOAPS,

HANDKERCHIEF EXTRACTS,

FRENCH, ENGLISH, AMERICAN,

Product of the Best Factories.

Benson, Smith & Co., Ltd.,
HOTEL AND FORT STREETS.

Clearance Sale

This sale applies only to the main store at Eleele.

A Great Reduction in all Lines of COTTON GOODS

These will be sold at LESS THAN COST:—ENGLISH TAILOR GOODS, BOOTS and SHOES, HATS and CAPS, MEN'S SOCKS,—At Sacrifice Prices. All These Prices Strictly Cash.

A fine line of Fancy Wines and Liquor for the Christmas trade in our Liquor Department.

J. I. Silva's Store, Eleele, Kauai

Weekly Bulletin \$1 Per Year